REMARKS

Claims 1, 3-7, 9-16, 18-27, and 29-32 have been rejected. Claims 1, 3-7, 9-16, 18-27, and 29-32 are pending. Applicants request reconsideration of the pending claims.

I.   Claim Rejections – 35 USC 112

A.   35 USC 112, first paragraph

Claims 1, 3, 7, 9-13, 15, 16, 18-26, 27, 29-31 have been rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that the claim limitation "while leaving the uploaded data in the memory" raises an issue of new matter.

As an initial matter, Applicants note that the standard for written description is not verbatim support. In particular, MPEP 2163.02 (Standard for Determining Compliance With the Written Description Requirement) states, "the subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement."

Applicants assert that FIG. 16 clearly provides support for the claim limitation, "while leaving the uploaded data in the memory." In particular, FIG. 16 depicts that at time T1 DATA a1 is updated from TERMINAL 10a to the USER AREA in SERVER 50 when SIM is demounted from Terminal 10a. At time T3, the state of USER AREA in SERVER 50 is data a1+b1+c1. When SIM is mounted again to TERMINAL 10a, note that only data b1+c1 are downloaded from the USER AREA in SERVER 50. Thus, data a1 must have been left in TERMINAL 10a when data a1 was uploaded at time T1.

Thus, Applicants request that the rejection under 35 USC 112, first paragraph, be withdrawn.

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B.   35 USC 112, Second paragraph

In rejecting claim 1 under 35 USC 112, second paragraph, the Examiner asserts that the limitation "said uploading being performed with only data updated" lacks antecedent basis. Applicant note that the antecedent basis for this limitation is the "uploading step recited prior to the "said uploading" limitation in the claim.

In particular, claim 1 recites, in part, "**uploading** from the first wireless communication terminal…, **said uploading** being performed with only data updated…" Thus, the antecedent basis for "said uploading" is the gerund "uploading" in the same element of claim 1 as the "said uploading."

Thus, Applicants request that the rejection under 35 USC 112, second paragraph, be withdrawn.

II.   Claim Rejections – 35 USC 102

Claims 1, 3-7, 9-13, 15-16, 18-27, 29-31 were rejected under 35 USC 102(b) as being anticipated by Takayama (EP 0950 968 A1).

A.   Takayama Reference Discloses Deleting All Data Held in RAM 1502

Independent claims 1, 7, 15, and 27 recite that the uploaded data is left in the memory of the terminal. Applicants asserted that the Takayama reference failed to disclose this claim limitation. Instead, the Takayama reference explicitly discloses that all data held in the memory of the terminal is deleted when the SIM card is removed from the terminal after data has been uploaded from the terminal to the user information server. In particular, paragraph [2108] of the Takayama reference explicitly discloses that "mobile user terminal 13900 **deletes all the data held in the RAM 1502**" when the SIM card is removed from the terminal after data has been uploaded from RAM 1502 of the mobile terminal 13900 to the user information server 902. (Emphasis added.)

In the final Office Action, the Examiner asserts that "the data updated and uploaded to the server is kept in the memory of the terminal 139." The Examiner cites to paragraphs [2106-2111]

of the Takayama reference for support. However, as noted above, the Examiner's assertion is contradicted by explicit disclosure in paragraph [2108] of the Takayama reference that **all data held in RAM 1502** of terminal 13900 is deleted when the SIM card is removed after data has been uploaded from RAM 1502 of the mobile terminal 13900 to the user information server 902. The Examiner has failed to explain this contradiction.

Applicants note that the uploading and updating processes in the Takayama references are two separate processes. In the uploading process, data is uploaded from the terminal to the user information server. In the updating process, the data previously uploaded from one terminal to the user information server is downloaded to another terminal.

As noted above, as part of the uploading process, the Takayama reference explicitly discloses that all data held in the RAM of the terminal is deleted. In contrast, claims 1, 7, 15, and 27 recite that uploaded data is left in the memory of the terminal when data is uploaded from the terminal to the server.

B.   Takayama Reference Only Discloses Confirming Authentic User of SIM Card

Claims 1, 7, 15, and 27 recite that uploading from the terminal is allowed to be executed at least under conditions that the user is confirmed to be:

a) an authenticated user **of said subscriber information card**; **AND**

b) an authenticated user **of the terminal**.

In the final Office Action, the Examiner asserts that, "[in the Takayama reference] uploading occurs when authenticating the user after entering a code number that matches a code number stored in the nonvolatile memory." The Examiner cites to paragraphs [2111-2112] of the Takayama reference for support.

In citing to paragraph [2111], the Examiner has failed to mention that the nonvolatile memory is that of the SIM card 14000. In particular, paragraph [2111] states, "the code number

stored in the nonvolatile memory **of the SIM card 14000** is compared with the code number that was entered [by the user]." (Emphasis added.)

Thus, the Takayama reference discloses confirming that the user is the authenticated user **of the subscriber information card**. However, the Takayama reference does not disclose confirming that the user is the authenticated user **of the terminal**.

For at least these two independent reasons, Applicants assert that claims 1, 7, 15, and 27 are allowable over the Takayama reference. Applicants also assert that claims 3-6, 9-13, 16, 18-26, and 29-31 are allowable for at least the reason that they depend from allowable independent claims.

III.   Claim Rejections – 35 USC 103

Claims 14 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Takayama reference in view of US 2005/0125344 (the Utsumi reference).

Claims 14 and 32 depend from independent claims 7 and 27, respectively. As discussed above, Applicants assert that claims 7 and 27 are allowable over the Takayama reference for at least the reason that the Takayama reference fails to disclose or suggest confirming that a user is an authenticated user of the terminal from which data is to be uploaded or on which the subscriber information card is mounted. The Utsumi reference also fails to disclose or suggest this limitation. In particular, the Utsumi reference discloses verifying personal information in paragraph [0011], but does not disclose or suggest confirming that a user is an authenticated user of the terminal from which data is to be uploaded or on which the subscriber information card is mounted. Thus, Applicants assert that claims 14 and 32 are allowable over the combination of the Takayama and Utsumi reference for at least the reason that they depend from allowable independent claims.

IV.   Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 448252001800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 16, 2008   Respectfully submitted,

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